

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN FOSTER STILES, et al.,

Plaintiffs,

v.

CAROLINE ZAPP KAHN, et al.,

Defendants.

No. 2:23-cv-02537-KJM-CKD (PS)

ORDER

Plaintiff proceeds without counsel in this civil action initiated on November 3, 2023. (ECF No. 1, Complaint.) Recently, plaintiff filed two documents, the first styled as “Motion to Compel” and the second captioned “Default – Request for [Judgment].” (ECF Nos. 30, 31.) To the extent plaintiff seeks any relief from the court through these filings, they are not properly filed motions. Local Rule 230 provides, in relevant part,

Except as otherwise provided in these Rules or as ordered or allowed by the Court, all motions shall be noticed on the motion calendar of the assigned Judge or Magistrate Judge. The moving party shall file a notice of motion, motion, accompanying briefs, affidavits, if appropriate, and copies of all documentary evidence that the moving party intends to submit in support of the motion. The matter shall be set for hearing on the motion calendar of the Judge or Magistrate

Judge to whom the action has been assigned or before whom the motion is to be heard not less than thirty-five (35) days after service and filing of the motion.

E.D. Cal. Local Rule 230(b).

The undersigned generally hears civil law motions on Wednesdays at 10:00 a.m. Thus, motions filed pursuant to Local Rule 230 should be noticed for a hearing to take place on a Wednesday at 10:00 a.m. not less than thirty-five (35) days after service and filing of the motion.

Here, though, to the extent plaintiff's recently filed documents were intended to be motions requesting relief from the court, they need not be noticed for a hearing at this time. The document styled as a "Motion to Compel" is not a motion to compel under Rule 37(a) of the Federal Rules of Civil Procedure and does not identify any specific relief it seeks under the Federal Rules of Civil Procedure or any local rule of this court. The document titled "Default- Request for [Judgment]" appears to be a copy of a letter addressed to the defendant, Amity Grit (sued as "Girt"). Aside from the suggestion in the letter's caption that plaintiff seeks entry of default,¹ this letter also does not request any specific relief from the court. Plaintiff is advised it is generally improper to file copies of written correspondence with the court. If plaintiff seeks action by the court, plaintiff shall file a motion that complies with the court's local rules. For these reasons, to the extent plaintiff's recent filings request any relief from the court, no relief will be granted at this time.

In accordance with the above, IT IS ORDERED as follows:

1. Plaintiff's document styled as a motion to compel (ECF No. 30) is denied.

2. Plaintiff's document titled "Default- Request for [Judgment]" is construed as a copy of correspondence sent to a party and, as such, is stricken.

Dated: January 3, 2024


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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¹ Defendant Grit appeared in this action and filed a motion to dismiss the complaint on December 22, 2023. (ECF No. 36.)